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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002853

SIPDIS

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TAGS: PREL PGOV KDEM IZ

SUBJECT: PM JAFARI TELLS CODEL LEVIN CONSTITUTION BY AUGUST 15 IS ACHIEVABLE

Classified By: Political Counselor Robert S. Ford.

Reasons 1.4(b) and (d)

¶1. (C) Summary. In a July 6 meeting with Codel Levin, PM Jafari opined that a constitution is achievable by August 15. Despite repeated attempts, CODEL Levin did not obtain Jafari's acknowledgement that a resolution by the Transitional National Assembly (TNA) welcoming the presence of Coalition Forces or an ITG announcement of a "plan" of security transfer would be useful. Regarding Sunni concerns about a new legal initiative on confiscation of property, Jafari explained that the law would not confiscate Sunni money. Instead, the law will allow seizure of stolen money from criminal elements that are using these funds to finance terrorism. Finally, Jafari acknowledged that the Jordanian King's recent speech condemning terrorism and sympathizers was a positive gesture. End Summary.

AUG 15 DRAFT ACHIEVABLE

¶2. (C) In a July 6 meeting CODEL Levin asked Prime Minister Jafari if a full constitution could be produced by August 15. Citing Iraq's determination to successfully hold elections and form a government, Jafari replied in the affirmative. He said, "I do not exaggerate when I say 80 to 90 percent of the constitution has already been agreed on." Without going into details, Jafari listed the following outstanding issues hanging over the constitution: Kirkuk; federalism; articles on Islam; protection of minorities, human/women's rights; the risk that the draft constitution might be rejected by 2/3 of the voters in three or more provinces, thus sinking the draft; and the transfer of power if the draft constitution passes.

WELCOME BY TNA DESIRABLE

¶3. (C) Senator Levin repeatedly asked Jafari if he thought that a TNA resolution -- stating that the Coalition Forces were not "occupiers" and Iraqis want them to be here -- could be "useful". Levin explained that such a resolution would help counter the insurgency's propaganda. Jafari merely replied that the TNA understands that the CF needs to be in Iraq.

¶4. (C) Similarly, Levin inquired if it would be useful to announce a "plan" of military cooperation between the Iraqi forces and the CF that -- without setting a timeline for departure -- that outlines the transfer of security responsibility as the Iraqi forces grow stronger. Jafari replied that as Iraqi forces increase their capacity, they would take more responsibility and leadership in the provinces. However, to give Iraqi forces total control, Jafari noted that both tactical and strategic capabilities have to be developed further. Jafari added that he would continue to meet with military leaders on the ground, including General Casey, to discuss Iraqi forces taking more leading roles.

SUNNIS THREATENED BY NEW LAW?

¶5. (C) Senator Levin shared Sunni leaders' concern regarding a new law initiative on confiscation of property under review by the Council of Ministers. The law has not come before the TNA yet. Jafari explained that the Sunni leaders do not have a clear idea about the law; it does not confiscate Sunni money or even ex-Baathist money -- only stolen money. He added that there is no intent in the law to target the old regime. Jafari explained that the law would allow seizure of stolen money from criminal elements that are using the funds to finance terrorism.

¶6. (C) Finally, Levin asked if Jordan is playing a constructive role. Jafari mentioned that the terrorist Zarqawi is Jordanian and Iraqi money in Jordan is being used against Iraq. However, he

conceded that on July 5 the Jordanian King gave a positive speech condemning terrorism and sympathizers. If Jordanian policy follows the lines of the speech, Jafari concluded, it would be positive.

17. (C) Comment. Jafari's list of outstanding constitutional issues is far more important and sensitive than the 10 - 20 percent weighting Jafari provided. Disagreements on Kirkuk alone have the potential to seriously delay the process, as when the Kurds threatened to boycott the Provincial Council election in January. Jafari declined repeatedly to encourage either the idea of a TNA resolution welcoming the presence of Coalition Forces or an announcement by his government of a "plan" for eventual security transfer. Jafari appears to be wary of raising the issue of the Coalition Forces directly with the Assembly -- an attitude that is aggravating the hard-line stance adopted by a minority of the Assembly members. End Comment.

18. (U) List of participants:

Senator Carl Levin (D-MI)
Charge d'Affaires David Satterfield
Richard DeBobes, Minority Staff Director
Daniel Cox, Professional Staff Member
Prime Minister Ibrahim Al-Jafari
Abdul Aziz Tamimi, Chief of Staff
Bashar Nahar, Prime Minister Advisor

19. (U) CODEL Levin did not have the opportunity to clear this cable.

110. (U) REO HILLAH, REO BASRAH, REO MOSUL, and REO KIRKUK, minimize considered.

Satterfield